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ABSTRACT

The government of Ontario (Canada) announced, in December 1979, its position on three major issues of school governance currently in dispute in the Ottawa and Carleton school systems. The first announcement (overriding recommendations made in 1974 by the Mayo Commission and again in March 1979 in the government's "Education Green Paper") was that the present boundaries between the two boards of education would remain the same. This government position may, however, be temporary, since shifting populations may necessitate future regionalization of school boards. The second announcement was the appointment of a one-man arbitrator between local school boards and the Ministry of Education--a step that could be seen as a way for the government to exert pressure at the local level. The third and most controversial announcement was to deny the request by all four Ottawa-Carleton school boards for the creation of a homogeneous French-language school board for the region's 21,000 francophone students. The government intends, instead, to establish clearly defined English and French language "sections" on both the Ottawa and Carleton school boards. This decision now raises problems of equal representation, role definition, the division of responsibilities, allocation of resources, and so forth. (IW)

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A NEW SCHOOL BOARD *for the* 80's ?

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by

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EDITOR'S NOTE:

Professor Jakes is the Chairman of the Carleton Board of Education and his Board is directly involved with the Government of Ontario's recent decisions concerning the proposed new organization structure for the two public boards of education in the Regional Municipality of Ottawa-Carleton.

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INTRODUCTION

The Minister of Education for Ontario, Dr. Bette Stephenson, met on 28 December 1979 with trustees and senior administrators of both the Ottawa and Carleton Boards of Education and announced the government's position on the following three major issues of school governance which are currently in dispute in Ottawa-Carleton:

1. The boundaries between the boards;
2. School accommodation in the Region; and
3. French-language control over education for francophones.

The government's decision, as announced by the Minister of Education, may have future ramifications for other Ontario school boards. It has certainly raised as many, if not more, questions than it has resolved.

Before these decisions are examined in detail, it is necessary to review briefly the historical events which preceded them.

MAYO COMMISSION

In 1974, the Ontario Ministry of Treasury, Economics and Intergovernmental affairs created a one-man commission headed by Dr. H.B. Mayo, a professor from Carleton University, to "examine, evaluate and make recommendations on the structure, organization and operation of local government in Ottawa-Carleton"[1] The Commissioner laboured for two years during which time he received massive input from all segments of the community including municipal councils, the four school boards in the region and numerous organizations and individuals. He presented his report and recommendations to the government in October 1976, although the report was not released to the public until March of the following year.

In examining the structure for education services in Ottawa-Carleton, Dr. Mayo recommended actions that in his view, would have achieved four objectives:

1. A K-13 continuum of English separate school education;
2. A homogeneous K-13 French-Language board for the 105,000 francophone citizens in the Region;
3. A more equitable distribution of the Region's commercial and industrial assessment; and
4. A structure whereby each school board in the Region would share in the opposite problems of enrolment decline in the central "core" and increases in the suburban and rural growth areas.

To achieve these objectives, Dr. Mayo recommended four new school boards for the Region:

1. A K-13 English Language Separate School Board;
2. A K-13 French Language School Board; and
3. Two K-13 English-Language Public School Boards dividing the region into one east and west rather than the present north-south (Ottawa-Carleton) configuration.

He also proposed an "umbrella" Regional Board consisting of members elected directly by each group of electors, plus trustees appointed by each of the four "lower-tiered" boards. The regional board would have had broad co-ordinating, planning and fiscal control over the four lower-tiered boards similar to those of the Metropolitan Toronto School Board.

Before the government responded to any of Dr. Mayo's recommendations on school governance, the four local school boards now serving the region were invited to submit briefs and position papers on the commissioner's recommendations and their implications. In the interim, the Regional Director of Education conducted a feasibility study to amalgamate the Ottawa and Carleton separate school boards. Negative reaction to the proposal became so intense that further public discussion on the topic concluded abruptly.

It is worth noting that in their responses, all four Boards in the region supported the creation of a homogeneous French-Language Board.

EDUCATION GREEN PAPER

Several months following government action on other aspects of Dr. Mayo's report, the government issued an "Education Green Paper" in March of 1979, proposing five options for the governance of public schools in the region. No mention was made of the separate schools. In this discussion paper, the government clearly states that Mayo's recommendations have province-wide repercussions which would involve a change or reversal in government policy:

> "Several recommendations dealt with contemporary problems unique to the Region itself; others called for changes or reversals of policies that are rooted in the historical traditions of the Province; their implementation would affect the organization of educational administration throughout the province of Ontario".[3]

Although the goverment did not specifically state that Mayo's recommendations would not be considered, they indicated that their response would take into account any provincial implications, yet respect the unique problems of Ottawa-Carleton.

The five options set out in the "Education Green Paper" are:

1. Amalgamation of the Ottawa and Carleton Boards of Education to create one Board of Education for the region;
2. One Board of Education with a "French Language Component";
3. Divide the region into east and west, more or less along the Rideau River, with one Board of Education for each section;
4. East and West Boards of Education, each with a "French-Language Components" on the present Ottawa and Carleton Boards.

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There are two obvious conclusions that can be drawn from these five options. Because the simple alternative of "status quo" is not listed, the government clearly contemplated some change in the organization structure. Also, because a "French-Language Component" is mentioned in three of the five alternatives, one can conclude that this concept has a high priority and ranking.

In their responses to the Education Green Paper, none of the four Ottawa-Carlton school boards accepted any of the five options. They more or less requested that the present "status quo" position remain with shared accommodation agreements where possible. All four boards reiterated their previous position calling for the creation of a homogeneous French-Language School Board for the Region's ± 21,000 francophone school-age students. This position was supported almost unanimously by various other organizations and groups who responded to the Green Paper.

Six months after the June 1979 deadline for submissions on the Green Paper, the Minister of Education met with members of the Ottawa and Carleton Boards of Education and their senior staff and announced the decisions of the Government of Ontario.

GOVERNMENT DECISION ON THE ORGANIZATION OTTAWA-CARLETON BOARDS OF EDUCATION

The first announcement by the Minister was that the present boundaries between the two Boards would remain unchanged. One has to ask, however, if this position by the government is temporary, and whether the issue of regionalizaiton may surface once again in the not-to-distant future, either in Ottawa-Carleton or the other Ontario regions. The county became the smallest unit of administration ten years ago. Four years prior to that, the Township School Area (TSA) Boards were mandated. Will regional school boards be the next step in the progressive reduction in the number of Ontario school boards?

If enrolment in cities continues to decline while the population shifts to suburban areas, demanding new capital financing for school construction, there is a possibility that geographic areas such as Hamilton-Wentworth, Windsor-Essex, and London-Middlesex could find themselves reorganized as regional school boards. Several small adjacent county boards could be amalgamated for similar reasons. In an era of fiscal restraint, public support for economies of scale may well outweigh the fear of remoteness of larger bureaucracies.

The second announcement was that, acting under the powers granted to her in Section 9(b) of the Education Act 1974, the Minister had appointed a one-man commission to "enquire into, report upon and present recommendations to the Minister with respect to school and student accommodation in the region".

Does this action represent a technique which may well be used in other places and for other reasons in the future? For example, if a local school board is having difficulties in making decisions to close schools, or to reach accommodation agreements with other adjacent boards, will a third-party arbitrator be the answer for a government that wishes to control or, at least, exert pressure on decision-making at the local level?

In response to the third issue, the government has denied the request for a homogeneous French-Language Board for the region's francophones. The Minister states "Such an action would, in effect, initiate the establishment of a third separated school system in Ontario, a development which the government does not support".[3] The government did recognize, however, that "an attempt should be made, in the region which contains the national capital of Canada, to implement a school board structure which increases the measure of control by French language trustees over French-Language education within the context of the existing boards of education".[4]

To provide this measure of French-Language control, the Minister announced that the government intends to introduce legislation to establish clearly defined English and French language "sections" on both the Ottawa and Carleton Boards. To have a sufficient number of French-language trustees to form a viable functional unit, the Minister decided that representation would not be calculated on the basis of assessment or enrolment.[5]

Therefore, a new kind of school board and a new classification of elected school trustee will be added to both the Ottawa and Carleton Boards of Education. The number of trustees on the Carleton Board will thus increast to 25, or one less than Canada's largest board, and to twenty-two trustees on the Ottawa Board. The numbers of trustees elected by public and separate school electors remain unchanged.

This decision raises several questions. Will the philosophy of electing French-Language trustees become a general rule for other parts of Ontario where there are concentrations of francophones? Will other minority language groups demand similar representation on school boards or will the government of Ontario be able to confine this to Canada's two official linguistic groups?

How will the three groups of electors (public, separate, French-language) be defined? The Minister's statement was silent on the definition of "French-language electors". Does this mean literally anyone who can speak French, one whose "mother tongue" is French, or one who was educated primarily in French? How will the separate and collective responsibilities of the groups be delineated and how will the business of the boards be conducted? Dr. Stephenson stated the obvious when she announced:

"It is recognized that the effective implementation of this arrangement will require a large measure of co-operation and good will on the part of all concerned. While it would be naive to expect that implementation of the necessary arrangements will not involve some difficulties, the Government is convinced that the organization has the potential to improve the responsiveness of the educational organizations to the needs of the pupils."[8]

The government's statement indicates a new concept of school board organization in Ontario by incorporating two panels of trustees, one for the governance of English-language schools and one for the governance of the French-language schools, within one board of education.

Three groups of electors are identified as: public school electors for English-language secondary school purposes; and electors who wish to be identified as electors for French-language school purposes. Figure 1[9] which is attached as an appendix to the minister's statement indicates the categories of electors.

Figure 1
Categories of Electors

	Characteristic of Elector			
Constituency of Elector	Tax Support	Religious Affiliation	Language Choice	Representation
1. Public school elector	Public	not relevant	English	English-language elementary and secondary schools
2. Separate school elector	Separate	Roman Catholic	English	English-language secondary schools
3. French-language elector	Public or Separate	not relevant	French	French-language elementary and secondary schools*

*Only if the board operates both French-language elementary and secondary schools.

In order to gain the right to be represented in matters that affect French-language schools within a board's jurisdiction, it is proposed that a public or separate school supporter who chooses to become a French-language elector,[10] surrenders the right to be represented in matters which concern the English-language panel or in matters which concern the English-language secondary schools respectively.

The Government believes that the principle of control found in Section 58(5) of the Education Act, 1974 which prevents separate school representatives on a board of education from moving, seconding, or voting on motions that affect public schools exclusively can be applied equally to matters that affect French-language schools or English-language schools. Figure 2[11] which is attached as an appendix to the Minister's statement indicates the control mechanism.

Figure 2
Board of Education

Tax Declaration	English-Language Panel	French-Language Panel
Public	a) elementary and secondary matters	c) elementary and secondary matters*
Separate	b) secondary matters	

*Only if the board operates both French-language elementary and secondary schools.

The Minister indicated that both the English and French panels should elect their own chairmen and meet regularly and separately to deal with matters which are recognized as being within their exclusive jurisdiction.

The board of education itself would hold regular meetings under the leadership of a Chairman and Vice-Chairman. "In recognition of the unique composition and structure of the board, where the Chairman elected is a English-language trustee, the Vice-chairman would be a French-language trustee. The reverse would be the case where the Chairman elected is a French-language trustee. Neither the Chairman nor Vice-chairman would be allowed to act as Chairman of one of the two sections of the board."[12]

All motions from either panel of trustees would come before the full board for confirmation and action.[13]

In light of this requirement for full board acceptance of recommendations, French-language motions could be consistently vetoed by the English-language majority. The French-Language trustees who attended the meeting with the Minister on 28 December 1979 were vocal in their concern over this procedure. They believe rights which they previously gained are now lost as a result of the Minister's announcement that the existing French-language Advisory Committees are now superfluous to the new organization structure of two panels. Advisory Committees have the right to appeal to the Language of Instruction Commission if a board refuses to take action on their recommendations. (Education Act, 261(5). This route of appeal would not appear to be open to a French-Language Component within a board of education.

Many other problems exist for the proposed new structure. For example, if a resident decides to become a French-language elector and is currently a separate school supporter, will he automatically disenfranchise himself from casting a vote for trustees on the separate elementary school board? Will a French-language elector declare himself as a public or separate school supporter for tax assessment purposes? Will assessment associated with French-language electors be identified and resolved? If not, what will be the power of the French panel to initiate expenditures — on what tax base?

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The establishment of French-language panels also raises the possibility of over-representation for one group of electors in particular. If separate school electors are guaranteed the same number of trustees as at present, and assuming that the majority of the five additional French-language trustees are elected by former separate school electors, does this new political configuration over-represent the remaining English-language separate school electors on a board of education?

In terms of harmony on the board, the "panel" concept can be expected to create additional internal pressures over the division of responsibilities and allocation of resources. English and French language trustees in Ottawa-Carleton, and French Language Advisory Committees, have over the years, built up a solid base of rapport, harmony and mutual respect. Can this continue when there will be considerable confusion over who has what powers? Will boards with two panels need to install simultaneous translation services and prepare all agenda items, minutes, policy statements and correspondence in both official languages? Will the boards be required to provide bilingual staff at every level of the organization, regardless of the number of French-language electors served, in order to support the twin-headed hydra?

How will secondary schools, declared as "mixed" schools with a separate French-language entity within the school, be administered by the two panels? The "school within a school" concept became a reality when the Minister of Education announced it as she addressed the French-language parents at Penetanguishene on October 5th, 1979.

> "I believe that a homogeneous French-language school entity, with its own principal and staff, its own lines and language of communication and its own physical setting can be established within the current facilities of the Penetanguishene Secondary School."[14]

When one examines the government's solution to the problem of French-language control of French-language education at Penetanguishene, the "school within a school" concept is remarkably similar to the two "linguistic trustee panels" within a board of education which is proposed in the latest statement by the minister on the issue.

In conclusion, the resolutions to the problems as proposed by the Ontario Government seem to raise more problems than they attempt to solve on all issues: amalgamations/annexations of adjoining districts, the use of third-party arbitrators on interboard or other board disputes, and the issue of French-language control over francophone education. One has to wonder whether the simple creation of a French-language school board for Ottawa-Carleton, being the national capital of an officially bilingual nation, might not have been, in the long run, the simplest solution to many of the current outstanding issues in the region.

Notes:

1. *H.B. Mayo, Report of the Ottawa-Carleton Review Commission, October, 1976, Preface, p. xi.*
2. *Ibid., pp. 124-142.*
3. *Education Green Paper: Government Statement On The River Of Local Government In The Regional Municipality of Ottawa-Carleton, March, 1979, p. 6.*
4. *Ibid., pp. 12-25.*
5. *Government Decision On The Organization Of Boards Of Education In The Regional Municipality Of Ottawa-Carleton, December 1979, p. 3.*
6. *Ibid., p. 3.*
7. *Ibid., p. 3.*
8. *Ibid., p. 4.*
9. *Ibid., Appendix I (ii).*
10. *Ibid., Appendix I (ii). In a reply to a question, the Minister indicated that any elector who wished to become a French-language elector would merely declare himself one at the polls.*
11. *Ibid., Appendix I (iii).*
12. *Ibid., Appendix I (v).*
13. *Ibid., Appendix I (v).*
14. *Statement By The Honourable Bette Stephenson, M.D., Minister of Education, Penetanguishene, October 5, 1979, p. 13.*

Professor Harold Jakes as Trustee Representative from the Carleton Board of Education, is also a director of Ontario Public School Trustees' Association.

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